

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00248 DAE
)	
Plaintiff,)	DECLARATION OF COUNSEL
)	
vs.)	
)	
SAMUEL K. KAAUWAI, III,)	
)	
)	
Defendant.)	
)	
)	
)	
)	
)	
)	

DECLARATION OF COUNSEL

I, CLAYTON KIMOTO, hereby declare as follows:

1. I am counsel for defendant, Samuel K. Kaauwai III.

2. On September 28, 2006 counsel filed a motion to continue sentencing from October 16, 2006 to the end of January 2006. January 2006 was a typographical error since the requested date was actually January 2007.

3 On October 6, 2006 the Court granted the motion without a hearing and continued sentencing till November 6, 2006, 11:15 a.m..

4. Counsel requests that the Order filed on October 6, 2006 be modified reflect a sentencing date of middle to late January, 2007 to allow Mr. Kaauwai to file a Motion to Withdraw his Guilty Plea..

5. To prepare this motion properly, Mr. Kaauwai has requested that counsel thoroughly investigate the factual allegations that he has made including ordering of transcripts, interactions with prior attorneys and corroboration of events related to the history of his case. For example, Mr. Kaauwai wishes counsel to procure a document which he agreed to give up certain rights so his case could be continued. He also has requested that counsel researches and cites the proper case law that would be relevant to the motion.

6. Mr. Kaauwai respectfully requests that if the Court desires further information on the need to further continue his sentencing to the middle or end of January 2007, the Court grants him a hearing on this motion so he can make his factual representations for the record.

4. The facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, October 21, 2006.

A handwritten signature in black ink, appearing to read 'CK', is written over a horizontal line.

CLAYTON KIMOTO
Attorney for Defendant
SAMUEL KAAUWAI III